

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. **06-11217-RGS**

PATRICIA HAUGHTON)
Plaintiff,)
)
)
v)
)
)
HILL LABORATORIES, INC.)
Defendant)

**PLAINTIFF'S UNOPPOSED MOTION TO SET ASIDE DEFAULT AND RESTORE
THE CASE BACK ON THE DOCKET**

Now comes Plaintiff, Patricia Haughton, through her attorney and pursuant to Local Rule 7.1, moves this Honorable court to set aside a default, entered on November 27, 2006. As reasons for her motion, Plaintiff states that her counsel was not present at the 16.1 Scheduling Conference because he had, unfortunately, yet inadvertently, failed to note the new hearing date, which he had received via electronic mail, on his calendar. Plaintiff further states that the parties' counsels had previously submitted a Joint Statement, and agrees if the Court respectfully adopted the terms of said Joint Statement. Plaintiff will reimburse reasonable costs to the Defendant's counsel if so ordered by this Court. In support of her argument, Plaintiff submits an affidavit by her attorney.

DATED: December 6, 2006

Respectfully submitted

Plaintiff, by her attorney

/S/ Benjamin B. Tariri

128A Tremont Street

Boston, MA 02108

Tel: (617) 574-9080

Fax: (617) 574-9070

BBO# 652042

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. **06-11217-RGS**

Patricia Haughton

v.

Hill Laboratories, Inc.

CERTIFICATE OF SERVICE

I, Ben Tariri, Esquire, hereby certify that I have this 6th day of December, 2006 served a copy of the foregoing Motion and the attached Affidavit via Electronic Mail upon:

Attorney Michelle I. Schaffer
Campbell, Campbell, Edwards & Conroy
One Constitution Plaza, Third Floor
Boston, MA 02129

/S/ Benjamin B. Tariri, Esq.

128A Tremont Street

Boston, MA 02108

Tel: (617) 574-9080

Fax: (617) 574-9070

BBO# 652042

ATTORNEY CERTIFICATION PURSUANT TO LOCAL RULES 7.1 (A) (2)

I, Benjamin B. Tariri, Esq., hereby certify that I have, since November 28, 2006, on two occasions, in good faith conferred with Attorney Michelle I. Schaffer, attorney for Defendants, Hill Laboratories, Inc., concerning the foregoing motion and she does not oppose the contents of this motion.

/S/ Benjamin B. Tariri, Esq.